



PUBLIC NOTICE

Federal Communications Commission
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DA 03-782

Released: March 13, 2003

DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF CAMBRIAN COMMUNICATIONS LLC BY PPL PRISM, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 03-60

On February 28, 2003, PPL Prism, LLC (“PPL” or “Transferee”) and Cambrian Communications LLC (“Cambrian” or “Transferor”) (PPL and Cambrian, together, “Applicants”) filed an application, pursuant to sections 63.03 and 63.04 of the Commission’s rules,¹ for consent to enable Cambrian to transfer substantially all of its assets, including its wholesale customer base, to PPL. Cambrian is in bankruptcy proceedings in the U.S. Bankruptcy Court for the Eastern District of Virginia, where the proposed transaction is also pending.

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission’s rules because neither of the applicants is dominant with respect to any service.

Cambrian is a facilities-based provider of metro optical access services, offering seamless optical interconnection between major carrier hotels, data centers and Verizon central offices within the Virginia to New York City corridor. PPL’s parent, PPL Telecom, LLC (PPL Telecom) is a facilities-based wholesale provider of data transport services for carrier and enterprise customers. PPL Telecom provides wholesale telecommunications services to carriers, communications companies, emerging service providers, ISPs and major private network owners in and around eastern Pennsylvania. PPL and PPL Telecom are ultimately owned by PPL Corp., an energy and utility holding company based in Allentown, Pennsylvania.

Applicants assert that the proposed transaction will serve the public interest, convenience and necessity by promoting competition among telecommunications carriers. Specifically, Applicants contend that approval of the proposed asset transfer will enable PPL to strengthen its competitive presence in the geographic service area where Cambrian’s network assets are

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

located and to concentrate its resources and expertise on providing innovative and diversified transport service offerings for carriers serving these markets. Applicants state that these proposed enhancements will directly benefit Cambrian's customers and indirectly benefit consumers generally in the domestic telecommunications marketplace. Applicants assert that granting this application will allow Cambrian's existing customers to continue to be well served without interruption following the conclusion of Cambrian's bankruptcy proceeding.

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of assets application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days and reply comments within 21 days** of this notice.² Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice.³ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236

² See 47 C.F.R. § 63.03(a).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dcjohnso@fcc.gov, and
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (5) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, Dennis Johnson (202) 418-0809, or William Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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